



FREDERICK COUNTY PLANNING COMMISSION

COMMUNITY DEVELOPMENT DIVISION

FREDERICK COUNTY, MARYLAND

30 North Market Street Frederick, Maryland 21701 (301) 600-1138

FCPC Transmittal Memorandum

To: Board of County Commissioners

FROM: Frederick County Planning Commission

Through: Eric Soter, Director

DATE: April 11, 2012

RE: Priority 3 Zoning Ordinance Text Amendments (ZT-12-01 through ZT-12-13)

A public hearing was held on April 11, 2012 for the Frederick County Planning Commission (FCPC) to consider the above referenced zoning ordinance text amendments which proposes to amend certain sections of the Frederick County Code.

The amendments are intended to:

- Create 'Limited agricultural activity' to permit keeping of farm animals on parcels containing less than 3 acres in a residential district
- Create 'Limited funeral establishment' to permit the practice of mortuary science as an accessory use to a single family residence in the RC district
- Amend existing provisions to require removal of communication towers in existence prior to 1999, if they cease to be used for wireless communications for 12 months
- Permit 'Bed and breakfast' establishments in the residential districts
- Clarify permitted signage for professional offices as an accessory use to a single family residence
- Remove the prohibition of 'Video lottery facilities' from the zoning ordinance
- Permit bus shelter signage within the right-of-way
- Remove the limitation of April and October submissions of individual zoning map amendment applications
- Permit the development of Moderately Priced Dwelling Units within the R1 zoning district
- Reorganize the Mineral Mining floating zoning district and amend provisions to remove conflicts with State surface mining permit requirements
- Consolidate existing provisions related to accessory structures on residential properties into one section of the zoning ordinance
- Provide consistency between State and local regulations regarding Family Child Care Home
- Permit Farm Winery Tasting Room and Farm Brewery Tasting Room in RC Zoning District

At that meeting the Planning Commission recommended the following:

On text amendment **ZT-12-01**: ‘Limited agricultural activity’ to permit the keeping of farm animals on parcels containing less than 3 acres in a residential district, included public comments which were in support of the amendment. The Planning Commission recommended denial of the text amendment as presented.

Motioned: White, 2nd by Forrence
Vote: 5-1-1-0
For: 5–White, Forrence, Lawrence, Floyd, and McClurkin
Against: 1–Wolfe
Abstain: 1–Young
Absent: 0

In addition to the formal recommendation of denial, the Planning Commission forwarded the following recommendations for BOCC consideration:

1. Consider language included in text amendment ZT-12-01 to permit apiaries of up to 3 hives on 3 acres or less as a by-right use.

Motioned: White, 2nd by Forrence
Vote: 6-0-1-0
For: 6–White, Forrence, Lawrence, Floyd, Wolfe, and McClurkin
Against: 0
Abstain: 1–Young
Absent: 0

2. Consider permitting up to 5 chicken hens on 3 acres or less by-right.

Motioned: White, 2nd by Forrence
Vote: 5-1-1-0
For: 5–White, Forrence, Lawrence, Floyd, and McClurkin
Against: 1–Wolfe
Abstain: 1–Young
Absent: 0

3. Consider permitting the previous two recommendations in all the residential districts up to R5 and then by special exception in the R8, R12, and R16 zoning districts.

Motioned: White, 2nd by Forrence
Vote: 5-1-1-0
For: 5–White, Forrence, Lawrence, Floyd, and McClurkin
Against: 1–Wolfe
Abstain: 1–Young
Absent: 0

No public comment was received on any of the other text amendments.

On text amendment **ZT-12-02**: ‘Limited funeral establishment’ to permit the practice of mortuary science as an accessory use to a single family residence in the RC district, the Planning Commission recommended denial of the text amendment as presented.

Motioned: Forrence, 2nd by White
Vote: 5-1-1-0
For: 5–White, Forrence, Lawrence, Floyd, and McClurkin
Against: 1–Wolfe
Abstain: 1–Young
Absent: 0

On text amendment **ZT-12-03**: Amend existing provisions to require removal of communication towers in existence prior to 1999, if they cease to be used for wireless communications for 12 months, the Planning Commission recommended denial of the text amendment.

Motioned: White, 2nd by Wolfe
Vote: 6-0-1-0
For: 6–White, Forrence, Lawrence, Floyd, Wolfe, and McClurkin
Against: 0
Abstain: 1 –Young
Absent: 0

On text amendment **ZT-12-04**: Permit ‘Bed and breakfast’ establishments in the residential districts, the Planning Commission recommended denial of the text amendment.

Motioned: Lawrence, 2nd by Forrence
Vote: 5-1-1-0
For: 5–White, Forrence, Lawrence, Floyd, and McClurkin
Against: 1– Wolfe
Abstain: 1–Young
Absent: 0

On text amendment **ZT-12-05**: Clarify permitted signage for professional offices as an accessory use to a single family residence the Planning Commission recommended denial of the text amendment.

Motioned: Forrence, 2nd by White
Vote: 4-2-1-0
For: 4–White, Forrence, Floyd, and McClurkin
Against: 2– Lawrence and Wolfe
Abstain: 1–Young
Absent: 0

In addition to the formal recommendation of denial, the Planning Commission forwarded the following recommendation for BOCC consideration:

1. Consider permitting professional signage in the amount permitted for home occupation signs.

Motioned: Forrence, 2nd by White
Vote: 4-2-1-0
For: 4–White, Forrence, Floyd, and McClurkin
Against: 2–Lawrence and Wolfe
Abstain: 1–Young
Absent: 0

On text amendment **ZT-12-06**: Remove the prohibition of ‘Video lottery facilities’ from the zoning ordinance, the Planning Commission recommended approval of the text amendment.

Motioned: Lawrence, 2nd by White
Vote: 4-2-1-0
For: 4–White, Lawrence, Floyd, and Wolfe
Against: 2– Forrence and McClurkin
Abstain: 1–Young
Absent: 0

On text amendment **ZT-12-07**: Permit bus shelter signage within the right-of-way, the Planning Commission recommended denial of the text amendment.

Motioned: Lawrence, 2nd by Forrence
Vote: 5-1-1-0
For: 5–Forrence, Lawrence, Floyd, Wolfe, and McClurkin
Against: 1–White
Abstain: 1–Young
Absent: 0

On text amendment **ZT-12-08**: Remove the limitation of April and October submissions of individual zoning map amendment applications, the Planning Commission recommended approval of the text amendment.

Motioned: White, 2nd by Wolfe
Vote: 6-0-1-0
For: 6–White, Forrence, Lawrence, Floyd, Wolfe, and McClurkin
Against: 0
Abstain: 1–Young
Absent: 0

On text amendment **ZT-12-09**: Permit the development of Moderately Priced Dwelling Units within the R1 zoning district, the Planning Commission sends forth no recommendation on the text amendment. A motion for approval of the text amendment failed to receive a majority of votes.

Motioned: Lawrence, 2nd by Forrence
Vote: 3-3-1-0
For: 3–Forrence, Lawrence, and McClurkin
Against: 3–White, Floyd, and Wolfe
Abstain: 1–Young
Absent: 0

On text amendment **ZT-12-10**: Reorganize the Mineral Mining floating zoning district and amend provisions to remove conflicts with State surface mining permit requirements, the Planning Commission recommended approval of the text amendment.

Motioned: White, 2nd by Wolfe
Vote: 6-0-0-1
For: 6–White , Forrence, Lawrence, Floyd, Wolfe, and McClurkin
Against: 0
Abstain: 0
Absent: 1 –Young

On text amendment **ZT-12-11**: Consolidate existing provisions related to accessory structures on residential properties into one section of the zoning ordinance, the Planning Commission recommended approval of the text amendment.

Motioned: White, 2nd by Forrence
Vote: 6-0-0-1
For: 6–White, Forrence, Lawrence, Floyd, Wolfe, and McClurkin
Against: 0
Abstain: 0
Absent: 1–Young

On text amendment **ZT-12-12**: Provide consistency between State and local regulations regarding Family Child Care Home, the Planning Commission recommended approval of the text amendment.

Motioned: Forrence, 2nd by White
Vote: 6-0-0-1
For: 6–White, Forrence, Lawrence, Floyd, Wolfe, and McClurkin
Against: 0
Abstain: 0
Absent: 1–Young

On text amendment **ZT-12-13**: Permit Farm Winery Tasting Room and Farm Brewery Tasting Room in the RC Zoning District, the Planning Commission recommended approval of the text amendment.

Motioned: White, 2nd by Lawrence
Vote: 4-2-0-1
For: 4–White, Lawrence, Floyd, and Wolfe
Against: 2– Forrence and McClurkin
Abstain: 0
Absent: 1–Young

cc: Dave B. Dunn, County Manager
Lori Follmer, Executive Assistant to County Manager
Joyce Grossnickle, Administrative Officer
File – ZT-12-01 through ZT-12-13